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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 5 (a)

THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN: TRADITIONAL PRACTICES AFFECTING THE RIGHTS OF WOMEN AND OF THE GIRL CHILD

Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bossuyt, Mrs. Daes, Mr. Eide, Mrs. Forero Ucros, Mrs. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalifa, Mr. Maxim, Mrs. Mbonu, Mr. Mehedi, Mrs. Palley, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Traditional practices affecting the health of women and the girl child

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1996/19 of 19 August 1996,

Considering that female genital mutilation is a cultural practice which profoundly affects the physical health and mental health of the girl child and of women who are its victims,

Recalling that the Universal Declaration of Human Rights, in its article 5, and the International Covenant on Civil and Political Rights, in its article 7, proclaim that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Bearing in mind General Assembly resolution 843 (IX) of 17 December 1954 which, considering that certain customs, ancient laws and practices relating to marriage and the family are inconsistent with the principles enunciated in the United Nations Charter and in the Universal Declaration of Human Rights, urged all States to take all appropriate measures with a view to abolishing them,

Recalling the obligations undertaken by all States which have ratified the international human rights covenants, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child,

1. Takes note with satisfaction of the report submitted by the Special Rapporteur, Mrs. Halima Embarek Warzazi (E/CN.4/Sub.2/1997/10 and Add.1);

2. Draws attention to article 5 of the Convention on the Elimination of All Forms of Discrimination Against Women which provides that States parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes;

3. Recalls that article 24 of the Convention on the Rights of the Child expressly calls on States parties to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children;

4. Fully supports the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, which proclaims that gender-based violations, including those resulting from cultural prejudice, are incompatible with the dignity and worth of the human person and must be eliminated;

5. Appeals urgently to States to implement the Plan of Action on the elimination of traditional practices affecting the health of women and children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1);

6. Takes note with satisfaction of the progress achieved by certain Governments in their struggle against harmful traditional practices and, in particular, against female genital mutilation;

7. Regrets, however, the small number of answers received, in particular from the Governments concerned, on the implementation of the Plan of Action;

8. Expresses its concern at the recent obstacles encountered by the campaign against female genital mutilation in certain countries;

9. Lends its support to the Governments and to the non-governmental organizations of the countries concerned and of all countries facing a similar situation in order that they may continue to work towards the total elimination of this cultural practice;

10. Appeals to all States concerned to intensify efforts to develop awareness of and to mobilize national public opinion concerning the harmful effects of the practice, in particular through education, information and training, in order to achieve the total elimination of female genital mutilation;

11. Also appeals to the international community to provide its material, technical and financial support to the non-governmental organizations and to the groups that are working with dedication to achieve the total elimination of this cultural practice that is harmful for girl children and women;

12. Commends the intergovernmental organizations concerned for the important contribution they are making to the efforts to eliminate harmful traditional practices and invites them to continue their activities aimed at supporting and strengthening the efforts being made by national and local organizations engaged in this struggle;

13. Requests the Special Rapporteur to submit to the Sub-Commission, at its next session, her follow-up report on the situation regarding the elimination of traditional practices affecting the health of women and children, in the framework of the Plan of Action.